

COUNTY OF YORK

MEMORANDUM

DATE: June 28, 2002 (BOS Mtg. 7/16/02)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. PD-14-02, Villa Development, LLC and The Villas on Shady Banks, LLC

ISSUE

This application seeks to amend the York County Zoning Map by reclassifying from RR (Rural Residential) to PD (Planned Development) approximately 63.8 acres located on the north side of Hampton Highway (Route 134) approximately 370 feet east of its intersection with Ascot Drive (Route 1676). The property is further identified as Assessor's Parcel Nos. 38A2-1-5, 6, 7, 8, and 9.

DESCRIPTION

- ? Property Owner: R. Earl Wallace et ux et als
- ? Location: North side of Hampton Highway (Route 134) approximately 370 feet east of its intersection with Ascot Drive (Route 1676)
- ? Area: 63.8 acres
- ? Frontage: 1,405.58 feet on Hampton Highway (Route 134)
- ? Utilities: Public water and sewer
- ? Topography: Generally flat with slopes along the creek
- ? 2015 Land Use Map Designation: High-Density Residential
- ? Zoning Classification: RR – Rural Residential
- ? Existing Development: Single-family detached house
- ? Surrounding Development:
 - North: Brick Kiln Creek; vacant parcel beyond (in the City of Hampton)
 - East: Brick Kiln Creek; warehouses, single-family detached housing, trailer park, and vacant land beyond (in the City of Hampton)
 - South: Hampton Highway; single-family detached homes beyond
 - West: Single-family detached housing (Yorkshire Downs)
- ? Proposed Development: 92-unit quadruplex development

CONSIDERATIONS/CONCLUSIONS

1. Rainbrook Villas, a 112-unit quadruplex development located on the west side of Route 17 between Grafton Drive and Burts Road, was approved by the Board in March 1999. These homes are designed for and marketed primarily to what the developer calls the “active senior” population at least 55 years old, although, young professionals and persons with disabilities are also part of the target market. Demand for this type of housing has proven to be extremely strong, and the Board approved a 52-unit expansion of Rainbrook Villas in May 2001. The developer of that project now seeks to build a similar development on the north side of Hampton Highway (Route 134).
2. The applicants own the local franchise for Epmark, Inc., an Ohio-based franchiser of patented condominium communities targeted to older residents who have reduced space requirements and are seeking a low-maintenance home. Through marketing and design (the absence of playground equipment and play fields, for example), Epmark manages to attract the targeted age group without minimum age requirements. For example, as of April 1, 2002, according to the applicants, only two of the 112 households in Rainbrook Villas fell into the “young professional” category. Of the remaining 110 households, 96 were made up of retirees who are at least 55 years old and 14 are “empty nesters.” Nationwide, Epmark estimates that fewer than 3% of its homebuyers have school-age children.
3. The 55-and-older population is growing in York County, as it is throughout Virginia and the United States, both in number and as a percentage of the total population. This trend will continue – and, indeed, accelerate – for at least the next two decades with the aging of the “baby boom” generation, the mass of Americans born between 1946 and 1964 when fertility rates were remarkably high. The oldest members of this generation turned 55 in 2001. Nationwide, the Census Bureau projects that the 55-and-older population will grow from 21% of the population in 2000 to 25.1% by 2010, 29.5% by 2020, and 30.1% by 2030.

The Housing element of the Comprehensive Plan addresses the housing needs of this growing segment of the population, stating that there is no housing in the County, other than Rainbrook Villas, specifically designed for older residents. The plan states that “(m)any older Americans are physically able to remain in homes where they have lived for many years, but those with limited retirement income and diminishing strength often have difficulty coping with housing expenses and household demands. Townhouses, duplexes, and condominiums help to meet the needs of these residents. While some older people welcome the new lifestyle that such units offer, and some need special nursing care, most are capable of leading independent lives with limited support services.” This section of the plan goes on to cite accessory apartments (which, as the Commission is aware, are becoming more and more prevalent in the County) as another housing type that enables older residents to “age in place.”

4. Although designated in the Comprehensive Plan for High-Density Residential single-family development, the property is zoned RR (Rural Residential) with a mini-

mum lot size of one acre. At the time of the comprehensive rezoning of the County in 1995, the property owner specifically requested the RR classification rather than a higher-density classification, and the request was honored by the Board. Although the total area of the parcel is 63.8 acres, only about one-third of the property can be credited as developable. This is because much of the land (39.2 acres) is only four feet (4') or less above mean sea level, and an additional 2.2 acres are within a 200-foot Dominion Virginia Power easement across the southeast corner of the property. Pursuant to §24.1-203 of the Zoning Ordinance, these areas cannot be included in the computation of buildable area or net developable density. This leaves approximately 22.4 acres of developable land for density calculation purposes. With these constraints, staff estimates that a maximum of 19-20 lots could potentially be developed under the current RR zoning.

5. The Comprehensive Plan designates this area of the County for High-Density Residential development (maximum of 3.0 dwelling units per acre) based on its proximity to Yorkshire Downs. This designation is intended to provide opportunities for single-family housing having a maximum density of three dwelling units per acre. The gross density of the proposed development is 1.4 units per acre; however, the net density, which includes only developable acreage, is 4.1 units per acre. The Comprehensive Plan also states that "The presence of wetlands along [Brick Kiln] Creek mandates that new development be constructed in an environmentally sensitive manner." If the property were zoned to its highest zoning classification under the High-Density Residential designation (R13 with a minimum lot size of 13,500 square feet), staff estimates that the property could yield as many as 57 lots if developed as an open space (cluster) subdivision.
6. The property abuts Brick Kiln Creek, which feeds into the Chesapeake Bay. Accordingly, a portion of the property (7.7 acres) is in the Chesapeake Bay Resource Protection Area (RPA), and the remainder of the property is located in the Resource Management Area (RMA). Any development of the property will therefore be subject to the provisions of the Environmental Management Area (EMA) overlay district. According to the applicant's conceptual plan, the proposed development would create about 11.5 acres of impervious surface, or 18% of the entire property. Staff estimates that if the subject property were developed under the existing RR zoning, the amount of impervious surface would be about 6% of the total acreage (or 28% if developed as a 57-lot subdivision under R13 zoning).¹ The increase (above the current RR zoning potential) in impervious surface associated with the proposed development is somewhat inconsistent with the Chesapeake Bay Preservation Act goal of minimizing impervious cover in proximity to the Bay and its tributaries.
7. In accordance with Section 24.1-361 of the Zoning Ordinance, a Planned Development is required to have 25% of the total gross residential land area reserved as common open space, and a minimum of 10% of the total gross residential land area must be reserved and developed as a recreation area set aside for the common use of

¹ This calculation is based on a total of 20 developed lots with an average building footprint 3,000 of square feet and driveways measuring 18 feet in width and 50 feet in length. It also assumes that internal roads would constitute 7.5% of the developed area. For the R13 calculation, the number of lots was increased to 57 and the driveway length was reduced to 30 feet.

the residents. The conceptual plan shows 52.3 acres of common area (82% of the total area) and 1.7 acres of active recreation area (2.6% of the total area). The Board of Supervisors may, in accordance with Section 24.1-361(e)(4) of the Zoning Ordinance, approve a reduction in the minimum recreation area requirement in order to compensate for reservation of waterfront property that has added recreational value. This reduction may not exceed 25%. If the Board were to grant such a reduction, this would bring the recreation area requirement down to 4.8 acres (7.5% of the total area). For Rainbrook Villas, the developer was awarded 2.3 acres credit toward the recreation area requirement for the walking trails and the natural area surrounding them. Since the proposed walking trail in the Villas on Shady Banks is significantly longer than in Rainbrook Villas, and since there would be fewer homes than in Rainbrook Villas, and since almost 40% of the "residential area" to which the 7.5% recreation area requirement would be applied is actually marsh land that cannot be built upon, staff feels that the proposed recreation area and facilities are adequate. According to the applicants' proffer statement, recreational amenities would include a 2,200-square foot clubhouse (with a kitchen, exercise room, community room, etc.), a 1,000-square foot swimming pool, a putting green and/or horseshoe pits, a mulch trail and benches, and potentially a community dock (subject to "appropriate governmental agency approval"). Because the proposed development, like Rainbrook Villas, would be marketed primarily to older residents, the applicants have proffered that playground equipment would be expressly prohibited.

The applicant has proffered that construction of these recreational facilities will be "completed or bonded" on or before the issuance of the 40th Certificate of Occupancy (C.O) or by the end of the 5th year after the start of construction. For Rainbrook Villas, by comparison, recreational facilities were required to be completed and available for use at the issuance of the 25th C.O. (out of an approved 124 units) or at the end of the 5th year, whichever comes first. Using this proportion for the Villas of Shady Banks would establish the 18th C.O. as the threshold for construction of the recreational amenities. Staff feels that deferring the recreational facilities until the 40th C.O. gives the developer sufficient opportunity to sell units to provide funds necessary for construction of the facilities. Therefore, if the development were to be approved, staff recommends that the developer actually be required to complete (rather than merely bonding) these facilities by the 40th C.O. or by the end of the 5th year, whichever comes first.

8. In addition to the recreation proffers mentioned above, the applicants have voluntarily proffered a series of other conditions that, if approved, would govern the development of the property. The applicant has proffered to construct a 6-foot privacy fence between the development and Yorkshire Downs, to dedicate approximately 30-35 acres of marsh on the property to a conservancy such as the Virginia Institute of Marine Science (VIMS), and to limit the development to a single community dock.
9. Because of the demographic makeup of the residents, the proposed development is likely to have little if any impact on school enrollment. According to the School Division, there were two York County school students living in Rainbrook Villas in the 2001-02 school year, and there will be at least one student in the 2002-03 school year. The applicant estimates that the average proportion of Epmark communities nationwide that has school-age children is less than 3%. This means that the pro-

posed development could potentially generate a maximum of three school children based on 92 units, or, eight students for the proposed development and Rainbrook Villas combined. (In fact, because of its location in the Tabb area, the proposed development may be more attractive for young families with children than Rainbrook Villas.) A subdivision developed under the current RR zoning would likely generate around twenty (20) school students and an estimated 57 students if the property were to be rezoned to R13. This is an important consideration since the property is located in the Tabb Elementary School attendance zone, which is in the fastest-growing area of the County; as of March 2002, Tabb Elementary is currently operating at just ten students short of its program capacity of 661 students. Tabb Middle School and Tabb High School are in a somewhat better position, operating at 27 and 96 students below capacity respectively. Nevertheless, with over one hundred additional residential lots currently approved or proposed in this attendance zone, the elimination of even twenty potential students is a benefit.

10. It should be noted that just because there would be few if any school students does not mean that there would not be other public service costs associated with the proposed development. For example, the County operates a Senior Center (currently located in leased space in the Washington Square Shopping Center across Route 17 from Rainbrook Villas) and senior citizen programs at a cost of approximately \$200,000 in FY2003. Another \$1.5 million is programmed in FY2005 in the County's Six-Year Capital Improvements Program for construction of a 10,000-square foot Senior Center facility. The applicant has indicated that proximity to the Senior Center is a benefit to the Rainbrook Villas project but also notes that the residents take full advantage of their clubhouse for self-initiated and planned events and activities.

Another public service that requires consideration is fire and emergency medical service (EMS). The County's Department of Fire and Life Safety has reviewed this proposal and has indicated "it appears that the development as proposed and marketed would not result in a significant immediate impact on fire and rescue services. Obviously, in the context of the entire community, as development occurs, populations increase and occupancies change, the overall impact on services provided by the Department of Fire and Life Safety would be expected to net additional resources, equipment, facility and personnel requirements."

The proposed development would have 4-5 (or 2-3 under R13 zoning) times as many units as a subdivision developed under the current zoning. As a result, it can be assumed that there would be some corresponding increase in fire and EMS calls. The elderly orientation could also have an impact on the EMS call frequencies; however, there is no evidence that Rainbrook Villas generates more EMS calls per unit than other housing developments in the County, although this is based on less than two years of experience since the development has only been in existence since October 2000.

The concern about demands on fire and EMS is heightened by the proposed location, which is on the southern edge of the County, but is still within the desired 5-minute response time from the Tabb Fire Station. The subject property is approximately 2.7 miles from the Tabb Fire Station at the intersection of Victory Boulevard (Route

171) and Big Bethel Road (Route 600). The only access to the site is from Hampton Highway, and emergency vehicles responding to calls would have to make a U-turn at the unsignalized median break in order to reach the property. Continued traffic growth along the Route 134 corridor could impact these response times.

11. The proposed development would generate more traffic on Route 134 than if the property were developed under the existing RR zoning, but the peak-hour impacts would not be significantly different. Access to the development would be provided by a single, boulevard-type entrance off Hampton Highway, which is a four-lane divided highway. The nearest median break on Hampton Highway is approximately 150 east of the proposed entrance, thus precluding any left turns into the development from the eastbound lanes of Hampton Highway. The applicant has submitted a traffic impact analysis, which uses trip generation rates (shown in the table below) that are based on vehicle counts taken at another Epmark development in Chesterfield County and are considerably lower than the average rates published by the Institute for Transportation Engineers (ITE) in its Trip Generation manual (6th edition).

Comparative Trip Generation Figures: The Villas at Shady Banks

	Weekday Trips		AM Peak-Hour Trips		PM Peak-Hour Trips	
	Per Unit	Total	Per Unit	Total	Per Unit	Total
ITE Manual ²	5.86	539	0.44	40	0.54	50
Traffic Study	3.30	310	0.21	20	0.20	19

By comparison, a 20-lot subdivision of single-family detached homes, which would be permitted as a matter of right under the existing zoning, could be expected to generate about 191 trips per day, including 15 AM peak-hour trips and 20 PM peak-hour trips. If developed as a single-family subdivision under R13 zoning, there would be an estimated 545 trips per day, including 43 AM peak-hour trips and 57 PM peak-hour trips.

According to the applicant's concept plan, a right turn lane into the development will be constructed along Route 134. Whether or not the amount of traffic warrants a right turn lane, staff believes that one is needed because of the age of the residents, the roadway geometrics, and the speed and volume of traffic on Route 134. Drivers entering the development from Route 134 eastbound will have to make a U-turn at the unsignalized median break, which can be a difficult maneuver, particularly in the afternoon rush hour when the westbound volumes are heavy and vehicles are approaching at 55 mph or more. The potential for conflicts is compounded by the safety problems commonly experienced by older drivers, including changes in vision, ability to concentrate, and reaction time.³ Also, older drivers in general do not deal as well as younger ones do with complex traffic situations.⁴ As a result, multiple-vehicle crashes at intersections increase markedly with age, and older drivers are more likely than younger ones are to get traffic citations for failing to yield the right-of-way, turning improperly, and running stops signs and red lights. A turn lane

² Land Use Code 230 – "Residential Condominium/Townhouse, pp. 361-363

³ National Highway Traffic Safety Administration (NHTSA)

⁴ Insurance Institute for Highway Safety (IIHS)

would give U-turning traffic additional room to make this maneuver safely. It would give westbound drivers room to move outside of the through lanes as they decelerate to enter the development, thus allowing a safer turning movement while minimizing the interruption of traffic flow on Route 134.

12. If the property were developed as a single-family subdivision, the developer would be required to extend two of the streets in the adjacent Yorkshire Downs planned development (St. George Drive and Salisbury Way) into the subdivision (unless the Subdivision Agent were to grant a waiver of this requirement). Under such a scenario there might also be no additional entrance on Route 134, thus eliminating the need for the many U-turns that the proposed development would generate at the unsignalized median break. Impacts of the proposed development on Yorkshire Downs residents, therefore, could be viewed as either positive or negative.
13. Because of the property's various environmental constraints – tidal wetlands, Chesapeake Bay RPA and RMA, and areas below the 4' contour – the proposed development would be subject to the provisions of the Environmental Management Area (EMA) overlay district. Accordingly, at the time of site plan submittal the developer would be required to submit a Natural Resources Inventory and Major Water Quality Impact Assessment identifying all environmentally sensitive features and describing proposed measures for mitigating any potential negative impacts of development.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on June 12 and, subsequent to conducting a public hearing at which 16 citizens spoke, voted (4:3) to recommend denial. The majority of those who spoke at the public hearing were Yorkshire Downs residents opposed to the application. Several residents of Rainbrook Villas spoke in support of the application based on their positive experience living in the development.

COUNTY ADMINISTRATOR RECOMMENDATION

This application involves a series of tradeoffs. Although the proposed development would cause little or no increase in school enrollment, the impact on emergency services could be greater than if the property were developed under the current and potential⁵ zoning. Traffic impacts on Hampton Highway would also be greater, but not significantly so. The issue before the Board is whether the positive school, fiscal, and housing impacts outweigh the adverse environmental, traffic (off-peak), and emergency service impacts of a four-fold increase in density. Is there a compelling need to exceed the maximum density prescribed in the Comprehensive Plan?

Clearly there is strong demand for housing that is designed specifically for older residents, and this demand will grow as the population continues to age. The success of Rainbrook Villas speaks for itself; it has helped to fill a previously untapped market niche in the County. Market demand, however, does not necessarily translate into public need, and there

⁵ Throughout this memorandum, comparisons are made with both RR and R13 zoning classifications. It should be noted that reclassification to R13 would not be automatic and would involve a process whereby the Commission and the Board of Supervisors could evaluate the potential impacts of an increase in residential density.

is no evidence of a shortage of housing for older residents in the County. In 2001, in addition to the 68 homes built in Rainbrook Villas, there were 78 new homes built in other duplex, townhouse, and quadruplex developments, including The Gables of York, Williamsburg Commons, Willow Lakes, Burnt Bridge Run, and Callahan Village. Although not specifically designed for or marketed to any particular age group, these developments offer many of the same advantages as “active senior” housing – such as less space and low maintenance – that older residents often look for in a home. Although the proposed development would help to prevent future school overcrowding, it could also place increased demands on the County’s fire and EMS capability.

There may be cases where an increase in residential density above what the Comprehensive Plan calls for are justified, but I do not believe that this particular proposal, located on the outskirts of the County on environmentally sensitive land in the most densely populated and fastest-growing area of the County, is one of them. In essence, the proposed Villas on Shady Banks is, in my opinion, the right development in the wrong location, and I recommend that the Board deny this application. However, should the Board wish to approve the application, it may do so through the adoption of Ordinance No. 02-10. In the event the Board wishes to approve the development, I suggest that the recommendation be conditioned on a lower density, such as 56 units, which is what the likely lot yield would be if the property were developed as a subdivision under R13 zoning, consistent with the High-Density Residential designation in the Comprehensive Plan.

Carter/3337

Attachments

- ? Zoning Map
- ? Survey Plat
- ? Conceptual Plan
- ? Proffer Statement
- ? Proposed Ordinance No. 02-10